THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18310 of 2005

DATED:29.8.2005

Between:

Sri Konathala Devakinandarao

S/o. Hanumantha Rao,

R/o. Gavaraveedhi,

Vizianagaram

…Petitioner

And

The Government of Andhra Pradesh

Rep. by its Principal Secretary,

Revenue (K) Department, Secretariat, Hyderabad

and others

…Respondents

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WRIT PETITION NO.18310 OF 2005

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.0.34 in S.Nos.131/2, 131/5, and 131/6 of Vizianagaram. This land was acquired in 1992 by the Government for Visakhapatnam Urban Development Authority. It forms part of ring road. According to the petitioner the land of the petitioner was not utilized for the formation of road and therefore he approached the authorities for reconveyance of the land stating that he is ready and willing to refund the amount of compensation he received. Based on the request, the Revenue Divisional Officer addressed the third respondent asking for report regarding reconveyance. The same is still pending. At

that stage, petitioner approached this Court.

The petitioner is seeking re-conveyance of the land acquired for which compensation was already paid. A person whose land is acquired has no enforceable right to seek reconveyance. This principle is well-settled. Having regard to the provisions of Section 23, 23(1)(A) and 30 of the Land Acquisition Act, 1894 (for short, the Act), the Hon'ble Supreme Court in **State of Kerala v. Bhaskaran Pillai** held that no land owner is entitled for reconveyance after acquisition. In **Koppula Narasaiah v. Government of Andhra Pradesh** I have considered this and having regard to the law laid down by the Supreme Court in **State of Kerala v. Bhaskaran Pillai** (supra), **C.Padma v. Deputy Secretary to Government of Tamil Nadu, State of Punjab v. Sadhu Ram,** and **Chandragauda Ramagonda Patil v. State of Maharashtra**, I have summarised the principles as under:

a. The land acquired under the provisions of the Act for one public purpose, after putting it to the said public purpose partly or fully, if surplus land remains, can be utilized either partly or fully for any other public purpose;

b. When the land absolutely vests free from encumbrances, the same shall be treated as Government land subject to all legislations, rules and executive instructions touching upon the assignment of land for other purpose and for landless poor;

c. The owners of the land whose land is acquired have no right, legal entitlement or legitimate expectation in seeking reconveyance of the land at the price at which compensation was paid under the award under Section 11 of the Act;

d. If the Government, as a policy decides that the land acquired is not partly or fully utilized for the public purpose for which it was acquired, is no more required for any public purpose, either because it is not suitable or because it has become waste land, the Government is bound to deal the property like any other Government property and dispose of the same in the manner which sub-serves public interest. The sale of Government land by public auction or by calling for tenders and disposing of the same to the highest bidder is the most transparent and best method of sub-serving public interest;

e. The power of the Government to dispose of the surplus land acquired by public auction also enables to permit original land owners to participate in the public auction and offer appropriate highest bid;

f. In any event, any claim by the original land owners or their legal heirs for reconveying cannot be entertained after a long lapse of time, say 10 years, 20 years or 30 years;

g. If the Government decides to assign the surplus acquired land to landless poor persons as a measure of poverty amelioration, the method of public auction need not be adopted.

In the recent judgment of the Supreme Court in **Northern Indian Glass Industries v. Jaswant Singh** after referring to **Gulam Mustafa v. State of Maharashtra**, **Chandragauda Ramgonda Patil v. State of Maharashtra** (supra)

and **C.Padma v. Dy.Secy. to the Government of Tamil Nadu** (supra), the Supreme Court declared the law as under:

> If the land was not used for the purpose for which it was acquired, it was open to the State Government to take action but that did not confer any right on the respondents to ask for restitution of the land.

In view of the legal position, the Writ Petition is misconceived and is accordingly dismissed.

29.8.2005 (V.V.S.RAO, J)

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